

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BULMARO LEPEZ-ALVAREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 3:05-cr-00201-MO
No. 3:12-cv-01927-MO

OPINION AND ORDER

MOSMAN, J.,

Petitioner's motion to vacate or correct sentence under 28 U.S.C. § 2255 [281] is DENIED as untimely. It was filed on October 24, 2012. The last day on which it could have been timely filed under the AEDPA was October 18, 2012. *See* 28 U.S.C. § 2255(f); *Clay v. United States*, 537 U.S. 522, 527 (2003). No equitable tolling applies.

IT IS SO ORDERED.

DATED this 24th day of January, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge